



Appeal Decision

Site visit made on 7 October 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/E2205/W/24/3339135

Sportsman Farm, High Halden Lane, High Halden, Kent TN30 6SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Emma Scott against the decision of Ashford Borough Council.
 - The application Ref is NOT/2023/1472.
 - The development proposed is two steel framed agricultural buildings and access track.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for two steel framed agricultural buildings and access track at Sportsman Farm, High Halden Lane, High Halden, Kent TN30 6SY in accordance with the application ref NOT/2023/1472 and the details submitted with it including plan nos 2022-1382v1-Loc, 2022-1382v1-Block, 2022-1382v1-PropBarn, pursuant to Article 3(1) and Schedule 2, Part 6, Class A, paragraph A.2.

Application for costs

2. An application for costs was made by Mrs Emma Scott against Ashford Borough Council. This application is the subject of a separate decision.

Procedural Matter

3. It was brought to my attention that a site notice had not been displayed by the appellant following notification that prior approval was required, as required by A.2. – conditions (2)(iv) of Class A, Part 6, Schedule 2 of the GPDO that a site notice must be displayed on or near the land on which the proposed development is to be carried out for a period of not less than 21 days within the 28 days following notification that prior approval is required. The appellant confirms that a site notice was displayed from 24 October 2024.

Background and Main Issue

4. Article 3(1) and Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) enables as permitted development the erection, extension or alteration of a building; or any excavation or engineering operations which are reasonably necessary for the purposes of agriculture within that unit, where that unit comprises 5 ha or more. Development permitted by Class A is subject

to various conditions. Condition A.2.(2)(i) requires that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to various matters including the siting, design and external appearance of the building and the siting and means of construction of the private way.

5. The officer's report submitted with the appeal confirms that the proposed buildings would comply with the criteria set out at A.1. of Part 6 of the GPDO. However, in a statement to support the Council's case, the agricultural consultants Acorus state that they consider the proposed development would not comply with the criteria set out in A.1(e)(i) as the proposed access track should be included in the 1000 square metre limit and in their view the proposal would not therefore be permitted development with regard to the limitations set out in A.1.(e)(i).
6. In light of the above, the main issues are:
 - Whether the proposal would be permitted development with particular regard to the limitations set out in A.1.(e)(i).
 - The effect of the siting of the proposed buildings and the private way upon the character and appearance of the countryside.

Reasons

Whether the proposal would be Permitted Development

7. The limitations set out in A.1.(e) state development is not permitted by Class A if the ground area which would be covered by (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1000 square metres, calculated as described in paragraph D.1(2)(a).
8. Paragraph D.1(2)(a) defines 'ground area' as that which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development.
9. The works or structure referred to in A.1.(e)(i) explicitly refer to accommodating livestock or any plant or machinery. The purpose of the private way would not be to accommodate livestock, plant or machinery. It would be to provide access to the buildings and yard. Notwithstanding the appeal decision¹ put to me by the Council, as there is no direct reference in the GPDO to the 1000 sqm limit applying to a private way/access track, then I do not consider it would be captured within the restrictions set out under A.1.(e)(i). The private way would in any event require prior approval under the terms of A.2.(2)(b) where there is no reference to any restriction on its size.
10. For the above reasons, the proposal would be permitted development with regard to the limitations set out in A.1.(e)(i).

¹ Ref APP/X1925/W/20/3256050 dated 8 February 2021.

Siting

11. Sportsman Farm is an agricultural holding which borders High Halden Lane, from which there is an access track leading to a yard surrounded by buildings including a dwelling, farm buildings and a commercial building. The landholding extends largely to the south of the yard, comprising a series of fields separated by post and rail fencing, hedges and trees. The A262 Biddenden Road runs to the south of the farm. There is a Public Right of Way (PRoW) running approximately north/south from the farm access towards Biddenden Road. There is sporadic residential development located along High Halden Lane opposite the farm. To the south, along Biddenden Road, there are various uses including some housing, commercial uses and agricultural holdings.
12. The proposal involves the erection of two barns, sited perpendicular to each other on two sides of a new yard close to one of the boundaries of the farm. An access track formed from crushed stone/hardcore would lead from the main farmyard along one side of a field, then bisecting another, to link to the proposed buildings. The buildings would be used for the storage of hay, feed, farm machinery and for lambing.
13. The buildings would be reasonably modest in size, with an eaves height of 3.5m with a shallow pitched roof. They would be set some distance away from the existing farm buildings and I recognise that this might be unusual in terms of the typical positioning of agricultural buildings. Nevertheless, they would be set at a significant distance from nearby roads, around 150m away from High Halden Lane and a similar distance from the A262 to the south. The buildings would be visible from the PRoW, though the tree cover would provide some screening. Given the distance from the roads, along with the level of cover provided by trees and vegetation, views of the buildings from public vantage points would be limited.
14. The access track, in running along the field boundary from the main farm buildings would be in a relatively discreet location. It would potentially be more visible from High Halden Road at the point where the track would bisect the adjacent field. However, a track of this type running across a field would not in itself cause harm to the character and appearance of the countryside since it would not be an incongruous feature within agricultural land. I note the surrounding fields are somewhat irregular in size; the bisecting of the field by the track would not result in an uncharacteristic field pattern.
15. Whilst the buildings would be in a relatively isolated position, this does not in itself mean that the presence of agricultural buildings in this location on a farm would be visually harmful or out of context. There is no dispute over the appropriateness of their design and external appearance and given their size and position relative to the surrounding public vantage points and agricultural land, I conclude that the proposed siting of both the buildings and track would be acceptable.
16. For the above reasons, I conclude that the siting of the proposed agricultural buildings and private way would not harm the character and appearance of the countryside. Although not determinative, the proposal would be in line with Policy ENV3a of the Ashford Borough Local Plan 2030 insofar as it requires development to have regard to matters including landform, topography,

pattern and composition of trees and woodlands and pattern and composition of field boundaries.

Other Matters

17. I note the Council indicate that there may be alternative locations within the agricultural unit that they would consider more suitable. However, my decision is necessarily based on the proposal before me.

Conditions

18. Class A, Part 6, Schedule 2 of the GPDO does not provide any specific authority for imposing additional conditions beyond those outlined in A.2. The specified conditions, which I draw to the attention of both parties, require the development to be carried out in accordance with the details approved, impose a time limit on implementation, and require the buildings to be removed if they cease to be used for the purposes of agriculture and the land restored to its condition before the development took place. Additionally, where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

Conclusion

19. For the reasons given above the appeal should be allowed and prior approval should be granted, subject to the exceptions, limitations and conditions outlined in A.1. and A.2. of Class A, Part 6, Schedule 2 of the GPDO.

L Francis

INSPECTOR